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EXAMINER

HAMDAN, WASSEEM H

ART UNIT

PAPER NUMBER

2854

DATE MAILED: 10/01/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/028,333	Applicant(s) WIERMA, JELLE	
	Examiner Wasseem H Hamdan	Art Unit 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 10 September 2003 is: a) ☐ approved b) ☒ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: ____ |

Part III - DETAILED ACTION

Amendment

1. This office action is in response to applicant's amendment filed on 09/10/2003.
2. The objection of the specification has been withdrawn as necessitated by the amendment.
3. The objection of the abstract has been withdrawn as necessitated by the amendment.
4. The objections of claims 1 and 9 have been withdrawn as necessitated by the amendment.
5. The objection of the drawings has been maintained as necessitated by the amendment.

Drawings

6. The drawings are objected to because:
 - a. boxes 1, 3, 4 of figure 1, require descriptive legends.
 - b. boxes 20 and 37 of figure 2, require descriptive legends.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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8. Claims 1-4 and 17, are rejected under 35 U.S.C. 102(b) as being anticipated by Axelrod et al. (US Patent 4,800,505).

Regarding claim 1, Axelrod et al. discloses a system for generating printed mail pieces [FIG. 1; column 1, lines 6-10], starting from a print file [FIG. 1], comprising:

a printer for printing postal items [FIG. 1 (90; 20)];

a processing device for processing printed postal items into mail pieces [FIG. 1 (10); column 4, lines 5-10] ;

a control unit [column 1, lines 42-45; FIG. 1 (10 and 62); column 2, lines 59-65] for controlling unit the printer [FIG. 1 (90; 20)] and the processing device [FIG. 1 (10); column 4, lines 5-10], comprising an input interface [FIG. 1 (40)] for inputting a rough print file [FIG. 1 (70)] for controlling the printer [FIG. 1 (90)], wherein the rough print file at least partly defines at least one document to be printed [FIG. 1 (70)], a processor [FIG. 1 (62)]for processing the rough print file [FIG. 1 (70)] in accordance with processing instructions into a processed print file, an output interface [FIG. 1 (40)]connected with said printer [FIG. 1 (20)] and with said processing device [FIG. 1 (10); column 4, lines 5-10] for transmitting control signals to at least said printer or said processing device [FIG. 1 (10); column 4, lines 5-10] for controlling said printer and said processing device in accordance with, or formed by, said processed print file, and memory [FIG. 1 (64); column 2, lines 50-52].

Regarding claims 1 and 17, Axelrod et al. discloses processing code for controlling said control unit for processing said rough print file into the processed print file, which processing code comprises processing instructions [FIG. 1; FIG. 2; FIG. 3; column 4, lines 53-55 (even

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though, Axelrod does not specifically disclose the instruction, it is inherent for the system of FIG. 1 and the flow charts of FIGS 2 and 3, to have set of instructions]; and

representation code for causing said processing instructions to be represented in humanly perceptible form [FIG. 1; FIG. 2; FIG. 3; column 6, lines 37-68 (even though, Axelrod does not specifically disclose the "instructions", it is inherent for the system of FIG. 1, and the flow charts of FIGS 2 and 3, to have set of instructions], said representation code being editable [column 3, lines 12-21] for changing at least said representations of said processing instructions, and said representation code being convertible into said processing code [FIG. 1; FIG. 2; FIG. 3; column 4, lines 53-55.

Regarding claim 2, Axelrod et al. discloses wherein said representation code is arranged for editable representing at least variables [column 3, lines 5-21] of said processing instructions.

Regarding claim 3, Axelrod et al. discloses wherein said representation code is arranged for editably representing at least formal parameters [column 3, lines 5-21] of said processing instructions [please see claim 1 for the "instructions".

Regarding claim 4, Axelrod et al. discloses a display [FIG. 1 (64, 66); column 4, lines 59-63] for representing said representation code in humanly perceptible form, said display being connected with said control unit [FIG. 1 (10 and 62)]

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 5-16 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Axelrod et al. (US Patent 4,800,505).

Regarding claim 9, Axelrod et al. discloses a system for generating printed mail pieces [FIG. 1; column 1, lines 6-10], starting from a print file [FIG. 1], comprising:

a printer for printing postal items [FIG. 1 (90; 20)];

a processing device for processing printed postal items into mail pieces [FIG. 1 (10); column 4, lines 5-10] ;

a control unit [column 1, lines 42-45; FIG. 1 (10 and 62); column 2, lines 59-65] for controlling unit the printer [FIG. 1 (90; 20)] and the processing device [FIG. 1 (10); column 4, lines 5-10], comprising an input interface [FIG. 1 (40)] for inputting a rough print file [FIG. 1 (70)] for controlling the printer [FIG. 1 (90)], wherein the rough print file at least partly defines at least one document to be printed [FIG. 1 (70)], a processor [FIG. 1 (62)] for processing the rough print file [FIG. 1 (70)] in accordance with processing instructions into a processed print file, an output interface [FIG. 1 (40)] connected with said printer [FIG. 1 (20)] and with said processing device [FIG. 1 (10); column 4, lines 5-10] for transmitting control signals to at least

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said printer or said processing device [FIG. 1 (10); column 4, lines 5-10] for controlling said printer and said processing device in accordance with, or formed by, said processed print file, and memory [FIG. 1 (64); column 2, lines 50-52].

Regarding claims 9 and 18, Axelrod et al. discloses the essential elements of the claimed invention, but does not disclose a set of processing subroutines and set of instructions. Axelrod et al. discloses the flow charts in FIGS. 2 and 3; column 6, lines 9-35, and column 7, lines 41-55; "FIG. 2, shows flow chart of the operation of computer system. To initialize the system an operator first places a known number of inserts to be inserted in items to be mailed by inserter on scale and issues a start up command through operator interface, and FIG. 3, shows a flow chart of the above described post-processing subsystem which may be incorporated in existing data processing systems for the generation of control documents with minimal software changes ...", which is obvious to have set of subroutines and set of instructions in Axelrod et al. invention in order to function and process the data. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify the teachings of Axelrod et al. by including set of subroutines and set of instructions, the skilled artisan would have been motivated to modify Axelrod et al. as above for the purpose of manipulating and processing the code in order perform the required printing material.

Axelrod et al., discloses representation code being editable [column 3, lines 12-21] for changing at least said representations of said processing instructions, and said representation code being convertible into said processing code [FIG. 1; FIG. 2; FIG. 3; column 4, lines 53-55.

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Axelrod et al. discloses the essential elements of the claimed invention, but does not specifically state that the processing instructions are editable. However, it is inherent that the processing instructions are editable since the code is always editable.

Regarding claim 10, Axelrod et al. discloses wherein said representation code is arranged for editably representing at least variables [column 3, lines 5-21] of said processing instructions.

Regarding claim 11, Axelrod et al. discloses wherein said representation code is arranged for editably representing at least formal parameters [column 3, lines 5-21] of said processing instructions [please see claim 1 for the "instructions"].

Regarding claim 12, Axelrod et al. discloses a display [FIG. 1 (64, 66); column 4, lines 59-63] for representing said representation code in humanly perceptible form, said display being connected with said control unit [FIG. 1 (10 and 62)]

Regarding claims 5, 6, 13 and 14, Axelrod et al. discloses the essential elements of the claimed invention, but does not disclose a source language and being a script language. Axelrod et al. discloses the flow charts in FIGS. 2 and 3; column 6, lines 9-35, and column 7, lines 41-55; "FIG. 2, shows flow chart of the operation of computer system. To initialize the system an operator first places a known number of inserts to be inserted in items to be mailed by inserter on scale and issues a start up command through operator interface, and FIG. 3, shows a flow chart of the above described post-processing subsystem which may be incorporated in existing

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data processing systems for the generation of control documents with minimal software changes ...", which is obvious to have source language and being a script language in Axelrod et al. invention in order to function and process the data. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify the teachings of Axelrod et al. by including source language and being a script language, the skilled artisan would have been motivated to modify Axelrod et al. as above for the purpose of manipulating and processing the code in order perform the required printing material.

Regarding claims 7 and 15, Axelrod et al. discloses memory [FIG. 1 (64)] further contains converter code for converting said source language (please above for "source language") into a code executable [column 4, lines 53-55] by said control unit [FIG. 1 (10 and 62)].

Regarding claims 8 and 16, Axelrod et al. discloses said editing code [column 3, lines 14-18] comprises a code generator for generating at least portions of said representation code [column 6, lines 37-68], which code generator is arranged for causing a user interface to be represented [column 6, lines 37-68], with choices from predetermined sets of processing instructions (please claim 1 for "the instructions").

Response to Arguments

12. Applicant's argues filed on 09/10/2003 have been fully considered but they are not persuasive. The Amendment is insufficient to overcome the prior art of record.

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Applicant's arguments on page 16, that the reference Axelrod et al. does not disclose a system having all of the features of claim 1. The examiner respectfully disagrees, because Axelrod et al. does indeed disclose all the elements and components of claim 1. Axelrod et al. discloses a printer for printing postal items [FIG. 1 (90; 20)];

a processing device for processing printed postal items into mail pieces [FIG. 1 (10); column 4, lines 5-10] ;

a control unit [column 1, lines 42-45; FIG. 1 (10 and 62); column 2, lines 59-65] for controlling unit the printer [FIG. 1 (90; 20)] and the processing device [FIG. 1 (10); column 4, lines 5-10], comprising an input interface [FIG. 1 (40)] for inputting a rough print file [FIG. 1 (70)] for controlling the printer [FIG. 1 (90)], wherein the rough print file at least partly defines at least one document to be printed [FIG. 1 (70)], a processor [FIG. 1 (62)]for processing the rough print file [FIG. 1 (70)] in accordance with processing instructions into a processed print file, an output interface [FIG. 1 (40)]connected with said printer [FIG. 1 (20)] and with said processing device [FIG. 1 (10); column 4, lines 5-10] for transmitting control signals to at least said printer or said processing device [FIG. 1 (10); column 4, lines 5-10] for controlling said printer and said processing device in accordance with, or formed by, said processed print file, and memory [FIG. 1 (64); column 2, lines 50-52]; processing code comprises processing instructions [FIG. 1; FIG. 2; FIG. 3; column 4, lines 53-55; and representation code for causing said processing instructions to be represented in humanly perceptible form [FIG. 1; FIG. 2; FIG. 3; column 6, lines 37-68]. The structure of the claim language of the instant application does indeed read on the Axelrod et al. reference, therefore the rejection of claim Claims 1-4 and 17,

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are rejected under 35 U.S.C. 102(b) as being anticipated by Axelrod et al. (US Patent 4,800,505) is proper.

Applicant's arguments on page 17, that the reference Axelrod et al. disclose "Axelrod et al. provides a modification of a mail preparation system intended to address a difficulty encountered in previous systems which use dash codes for controlling a document inserter. Because the dash codes are limited in size, and because information included in dash codes can become very large if the instructions are complex, the data processing system in Axelrod et al. strips the dash code from the print data and replaces it with an identification code printed on the document. The identification code corresponds to a record generated by the data processing system and stored in a database". The examiner respectfully disagrees, because, on column 3, lines 12-16, Axelrod et al. discloses that "the data processing output to the line printer and modifying the output by removing dash code information...", i.e. code is editable, and most importantly that the claim for the instant application does not claim the specifics of the code, therefore in the broadest interpretation of the structure of the claim language of the instant application does read on the Axelrod et al. reference.

Applicant's arguments on pages 17 and 18, that the reference Axelrod et al. "processor 62 also controls the print mechanism 86 to print machine readable code classification pointer code on an insert and controls the envelope printer 90 to print zip code information in bar code format on the item to be mailed. Axelrod et al. does not disclose a control unit having a memory, which has processing code and representation code as set forth in Claim 1. The Office Action points to the Axelrod et al. inserter 80 as corresponding to the claimed control unit. During the interview, Examiner Hamdan indicated that the Axelrod et al. processor 62 could be considered to

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correspond to the claimed control unit. However, neither the Axelrod et al. inserter 80 nor the processor 62 has all of the features of the control unit of Claim 1.” The examiner respectfully disagrees, because, the processing device and the processor as indicated in the office action are elements 10 and 62 of FIG. 1, which they are disclosed in Axelrod et al. [FIG. 1; column 3, lines 64-68; column 4, lines 1-22; FIG. 2; column 6, lines 9-68; column 7, lines 57-61], processes and controls the whole system and operation, also on column 6, lines 31-36, Axelrod et al. discloses that “using well known conventional data base management technique” the processor and the processing device are capable of controlling and processing and manage data, not only to a specific functional use. therefore the rejection is proper.

Applicant's argumentes on page 18, that the reference Axelrod et al. does not disclose a control unit having a memory which has processing code and representation code as set forth in Claim 1”. The examiner respectfully disagrees, because as discussed in the interview that the controller is both elements 10 and 62, and the element “80” was a typographical error in the action. By any definition for a “processor” such as in Axelrod et al. 's design, the processing device (10) and the processor (62) they do include a controller, and they are responsible to control the system. As mentioned above, the controller which by definition is part of elements 10 and 62.

Applicant's argumentes on page 20, that the reference Axelrod et al. does not disclose “as discussed above in connection with Claim 1, Axelrod et al. does not disclose representation code for causing processing instructions to be represented in humanly perceptible form, with the representation code being editable for changing at least the representations of the processing instructions, and with the representation code being convertible into the processing code”. The

examiner respectfully disagrees, because, every code on any processor is editable, and Axelrod et al. does teach on column 3, lines 15-18, modifying the output, i.e. editing the code. It is inherent that any code on a processor is editable.

In general the structure of the claim language of the instant application does read on the Axelrod et al. , and Axelrod et al. reference does disclose all the claim elements and components.

Conclusion

1. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

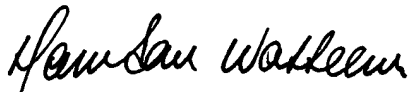
A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wasseem H Hamdan whose telephone number is (703) 305-3968. The examiner can normally be reached on M-F (first Friday off) 6:30 AM- 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Andrew H Hirshfeld can be reached on (703) 305-6619. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9318.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0956.



Wasseem H. Hamdan
September 25, 2003



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